

Revised Closed Session Docket

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, SEPTEMBER 6, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Sierra Club v. California Coastal Commission and City of San Diego*
San Diego Superior Court Case No. GIC844081

DCA assigned: D. Smith

This case involves a writ of mandate challenging the California Coastal Commission's January 12, 2005, approval of the City's application for a vested rights determination for the designation of a swim-only area and the placement of buoys in the ocean adjacent to the kayak boat launch and La Jolla Beach and Tennis Club at La Jolla Shores Beach. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Petitioner's most recent offer to settle the case.

CS-2 *Helen Soroush-Azar v. City of San Diego*
San Diego Superior Court No. IC 841453

Kristina Hancock, et al. v. City of San Diego
San Diego Superior Court No. GIC 847615

DCA assigned: H. Wierman

These matters involve quiet title actions against the City. Plaintiffs seek title to certain strips of land that front their residential property in La Jolla. In closed session the City Attorney will brief the Council on the matters and seek approval to enter into stipulated judgments with the Plaintiffs.

CS-3 *San Diego City Employees Retirement System v. City of San Diego and San Diego City Attorney Michael J. Aguirre and related cross-claim.*
San Diego Superior Court GIC 841845

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session and request appropriate direction.

CS-4 *San Diego City Employees Retirement System v. City of San Diego, et al.*
San Diego Superior Court GIC 851286

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. In closed session the City Attorney will brief the City Council on the status of the matter and request appropriate direction.

CS-5 *San Diego Police Officers Association v. Michael Aguirre, et al.*
United States District Court No. 05 CV 1581

ACA assigned: D. McGrath

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief. In closed session the City Attorney will brief the Council on the status of the matter and seek approval for the engagement of outside counsel.

CS-6 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05 CV 1629

ACA assigned: D. McGrath

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter and seek appropriate direction.

CS-7 William J. McGuigan v. City of San Diego, et al.
San Diego Superior Court GIC 849883

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction, including direction with regard to hiring outside counsel to assist on this matter.

CS-8 John A. Torres, et al. v. City of San Diego, et al.
San Diego Superior Court GIC 852293

ACA assigned: D. McGrath

This action involves allegations that the City owes the Plaintiffs attorneys' fees as the result of their being named as defendants in the civil case *People v. Grissom*, SDSC GIC 850246 and in the cross-complaint *City v. SDCERS, et al.* SDSC GIC 841845. In closed session the City Attorney will brief the Council on the status of the matter and seek appropriate direction.

CS-9 City of San Diego v. Callan, et al.
San Diego Superior Court GIC 852419

ACA assigned: D. McGrath

This is an action filed by the City seeking recovery of investment losses related to defendants' investment work for SDCERS. In closed session the City Attorney will brief the Council on the status of the matter and seek appropriate direction, and approval of hiring outside counsel to assist on this matter.

CS-10 Border Business Park v. City of San Diego
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

CS-11 In Re: SEC Investigation into City Bond and Disclosure Practices

ACA assigned: D. McGrath

In closed session the City Attorney will discuss the SEC ongoing investigation into the City's bond and disclosure practices and a tentative draft consent decree.

CS-12 *Michael Shames v. City of San Diego*

San Diego Superior Court Case No. GIC 831539

DCA assigned: J. Riley

This case involves a class action lawsuit brought by Michael Shames on behalf of single-family sewer customers seeking a refund based on a claim that the City of San Diego failed to properly calculate sewer bills. The City Attorney will, in closed session, advise City Council regarding the status of mediation.

CS-13 In re: United States Securities and Exchange Commission Investigation and United States Attorney investigation into City's Finances.

ACA: A. Noone

In closed session the City Attorney will advise the Council regarding waiver of the attorney client privilege and the protection of the work product doctrine as it relates to subpoenas issued by the SEC and the U. S. Attorney.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-14 California State University Board of Trustees

ACA assigned: K. Heumann

This matter involves the SDSU Campus Master Plan Environmental Impact Report [EIR]. The City of San Diego and the Redevelopment Agency of the City of San Diego City are both responsible agencies for purposes of CEQA. The Agencies reviewed the EIR and provided comments on the draft EIR which addressed deficiencies in the EIR. In closed session, the City Attorney will brief the Council on the status of the matter and seek direction from the City Council and Redevelopment Agency.